

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1371**

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**Introduced by Assembly Member Smyth**  
**(Coauthor: Assembly Member Fuentes)**

February 27, 2009

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An act to add Section 13552.7 to the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Smyth. Reasonable use of water: generating facilities.

The California Constitution provides that the right to water shall be limited to that amount of water that is reasonably required for the beneficial use to be served. Existing law declares that the use of potable domestic water for cooling towers is a waste or an unreasonable use of water if recycled water is available and other requirements are met.

This bill would declare that the use of potable domestic water for cooling towers that are part of a generating facility that is an eligible renewable energy resource is a reasonable use of water if certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13552.7 is added to the Water Code, to  
2     read:

1 13552.7. (a) The Legislature finds and declares that it is in the  
2 interest of the State of California to construct generating facilities  
3 that are eligible renewable energy resources, as described in Article  
4 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of  
5 Division 1 of the Public Utilities Code.

6 (b) Notwithstanding Section 1352.6, the use of potable domestic  
7 water for cooling towers that are part of a generating facility that  
8 is an eligible renewable energy resource is a reasonable use of  
9 water within the meaning of Section 2 of Article X of the California  
10 Constitution if ~~both~~ *all* of the following apply:

11 (1) The renewable energy resource meets the requirements of  
12 Article 16 (commencing with Section 399.11) of Chapter 2.3 of  
13 Part 1 of Division 1 of the Public Utilities Code.

14 ~~(2) The facility is a project for which a negative declaration was~~  
15 ~~certified pursuant to the California Environmental Quality Act~~  
16 ~~(Division 13 (commencing with Section 21000) of the Public~~  
17 ~~Resources Code.~~

18 *(2) The operation of the facility would not have a significant*  
19 *environmental impact after mitigation measures are implemented*  
20 *to protect groundwater resources due to the use of potable domestic*  
21 *water as described in this subdivision.*

22 *(3) The State Energy Resources Conservation and Development*  
23 *Commission or the state board, after a notice and hearing,*  
24 *determines that the use is a reasonable use of water.*